

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant	:	GAGE, Kevin
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Title:	:	METHOD AND APPARATUS FOR PLAYING MULTIMEDIA AUDIO-VISUAL PRESENTATIONS

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**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF  
UNDER 37 CFR 41.37**

S I R :

In reply to the Notification of Non-Compliant Appeal Brief under 37 CFR 41.37 issued in the above application on December 3, 2008, enclosed herewith is a revised section of the Appellants' Appeal Brief entitled " V. SUMMARY OF CLAIMED SUBJECT MATTER", as requested by the examiner. Please replace this revised section for the corresponding section in the original filing.

Also, enclosed herewith is a Petition for Extension of Time under 37 CFR 1.136(a) accompanied by the EFT payment in the amount of \$ 130.00 to cover the required extension fee under 37 CFR 1.17(a)(1). If any additional fee

is required, authorization is hereby given to charge the amount of any such fee to the Deposit Account No. 07-1730, Docket No. 3464-031

Respectfully submitted,

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## V. SUMMARY OF CLAIMED SUBJECT MATTER

Developments in the field of electronics and data processing have resulted in a new world of entertainment. Multimedia presentations, such as HD TV programs, are widely available to the present public at visual resolutions and sound qualities that in the past could be enjoyed only on very special equipment or in expensive movie theaters. However, in the middle of all this HD entertainment there is a real need for relatively low level content as well. For example, many content providers now sell short HD video clips (or "videos") having a length in the range of 2-10 minutes and showing an entertainer or band playing a new song using very intensive (real or imaginary) visual scenery and 7.1 channel audio. A customer can replay and enjoy this video on his multimedia system at home consisting of a high definition flat TV screen, a multi-channel audio amplifier, an array of seven speakers and subwoofer. However, what happens if that customer likes the video and wants to listen to it on his small, relatively primitive stereo audio player (such as an I-Pod®)? The present systems do not let him do that. The only way he can play the song is if he acquires an audio chip having a pure audible version of the song shown on the video. Since the customer has to go out of his way to do so, the lack of present equipment to provide the customer with this option is detrimental to both the customer and the content provider.

The subject application solves this problem. Specifically, in the present invention, the customer receives a multimedia content either in a batch (e.g., from a CD, or DVD) or in a streamed version. These two embodiments of the

invention are illustrated in Figs. 3 and 4. In Fig. 3, streamed content is received by the apparatus 10A at a broadband portal 20 and is stored in a memory (RAM) 22. The composite multimedia signal includes an audio component or track, a video component or track, control signals, program information, timing information, as illustrated in Fig. 2A. All this information is encoded, and very often, it is encrypted and compressed. The multimedia signal is made available to a separator 24 and a multimedia output port 26.

As explained in the application, the separator has several modes of operation that are selected based on the selection control signals 14A from the user. In one mode of operation, the separator 24 operates as a standard decoder. In this mode, the separator 24 takes the received signal, separates it into the components shown in Fig. 2 and sends the same to a standard multimedia output port 26. This port then sends these various components to other subsystems for rendering the multimedia presentation to the user.

In another mode of operation, the separator 24 performs a completely different function. In this mode, the separator only partially decodes the received signal. More specifically, the separator 24 decodes the signal sufficiently to enable it to detect only some of the components of the received signals, such as the audio components, and optionally, some of the program information. If the audio component is a multi-channel audio signal, then it is fed to a folder circuit 30. The folder circuit takes the multi-channel signal and generates a corresponding stereo (two-channel) audio signal. The two channel signal from the folder circuit 30 is then encoded (if necessary) into a format compatible with

a personal audio player device 10B and is fed to an audio output port for transmitting to device 10B.

At device 10B, the audio signal is stored if necessary into a memory 46, and is selectively decoded, converted into a respective analog signal and played on a headphone 54. Optionally, the program information is also fed to device 10B and corresponding information is then made available to the user on a visual display 56.

Fig. 4 shows an alternate embodiment, similar to the embodiment of Fig. 3 but in this embodiment, the device 10B receives a composite multimedia signal from a DVD.

In summary, according to this invention, the composite multimedia signal is received by an input port of an apparatus for processing multimedia programs. The received signal is provided to an extractor which receives the composite signal. In one mode of operation, the extractor only partially decodes the composite signal to extract the audio component therefrom without extracting the video signal. Once the audio component is extracted from the composite signal, a processor of the apparatus receives the audio component to generate a processed audio signal. The processed audio signal is processed in a format that is sent to an output port and can be played on the digital audio player. A method and apparatus for providing an audio signal from a multimedia signal by extracting the audio component without the video component is defined in independent claims 1, 11, 17 and 28.

An additional feature of the invention is that if the audio component of the multimedia presentation is 2 channels then the apparatus and method performs further processing to reduce or fold these signals into a two channel standard stereo signal. This aspect of the invention is covered in claims 14, 15, 16, 26, 34 and 35.

A further feature of the invention is that in addition to the standard (stereo) signal, the apparatus and method also provides metadata descriptive of the content of the multimedia program. This aspect of the invention is covered in claim 27.

The elements of independent claims 1, 11, 17, and 28 correspond to elements identified in the specification as follows.

1. An apparatus for processing multimedia programs that are not playable on a digital audio player, said programs being composed of composite signals including an audio program component and a video component comprising:

an input port used to receive a composite signal (Page 5, lines 5-10, Fig. 1; page 7, lines 10-11, Fig. 3, input port 20; page 9, lines 14-21, Fig. 4, [input port 21 includes a DVD reader 20A; etc.);

an extractor (Page 5, lines 5-10, Fig. 1[storage separator 12]; page 7, lines 12-14, Fig. 3 [separator 24]; page 9, lines 14-21, Fig. 4, [input port 21 includes a DVD reader 20A; etc.])coupled to said input port and adapted to selectively extract said audio component from said composite signal without extracting said video signal (Page 3, lines 21, 22—*In an alternate embodiment,*

*the separator generates a multichannel audio signal, e.g., without a video component--*; page 6, lines 11, 12, page 7, lines 19-21, Figs. 1, 3, 4, etc);

a processor that processes said audio component to generate a processed audio signal in a format that can be received and played by the digital audio player (page 8, lines 1-9; audio encoder 32; Figs. 3, 4, 5 etc); and

an output port for outputting said processed audio signal (page 8, lines 7-9, (audio output port (USB) 34, Figs. 3, 4, 5 etc.) .

**11.** An apparatus for generating an audio output in a format that can be played by a digital audio player from composite signals that are incompatible with the audio player, said apparatus comprising:

a broadband input port adapted to receive a multimedia program including a composite signal with an audio and video component (Page 5, lines 5-10, Fig. 1; page 7, lines 10-11, Fig. 3, input port 20; page 9, lines 14-21, Fig. 4, [input port 21 includes a DVD reader 20A; etc.);

a data storage adapted to store said multimedia program (Page 6, lines 3-5 [storage/separator 12] Fig. 1; page 7, lines 11-12 [RAM 22]. Figs. 3, 4, 5, etc.);

a controller adapted to receive selections from a user and to generate commands responsive to said selections (page 6, lines 3, 4 [selection control 14] Fig. 1; page 7, lines 12, 13; Figs. 3, 4, 5, etc.) ;

an extractor responsive to said commands and adapted to receive said multimedia program (Page 5, lines 5-10, Fig. 1 [storage separator 12]; page 7, lines 12-14, Fig. 3 [separator 24]; page 9, lines 14-21, Fig. 4, [input port 21

includes a DVD reader 20A; etc.) and to selectively extract said audio component without extracting said video component from said multimedia program (Page 3, lines 21, 22—*In an alternate embodiment, the separator generates a multichannel audio signal, e.g., without a video component—*; page 6, lines 11, 12, page 7, lines 19-21, Figs. 1, 3, 4, etc);

a processor processing said audio component to generate a digital audio signal in a format that is playable by the digital audio player (page 8, lines 1-9; audio encoder 32; Figs. 3, 4, 5 etc); and

an output port outputting said processed audio output signal (page 8, lines 7-9, (audio output port (USB) 34, Figs. 3, 4, 5 etc.).

17. A method of processing a multimedia program for play on an incompatible digital audio device comprising the steps of:

receiving said multimedia program, said multimedia program including an audio component and a video component (Figs. 1-5);

extracting said audio component from said multimedia program without extracting said video component (Page 3, lines 21, 22—*In an alternate embodiment, the separator generates a multichannel audio signal, e.g., without a video component—*; page 6, lines 11, 12, page 7, lines 19-21, Figs. 1, 3, 4, etc);

processing said audio component to generate a processed audio signal in a format compatible with the digital audio device so that said processed audio



signal is playable on the digital audio device (page 8, lines 1-9; audio encoder 32; Figs. 3, 4, 5 etc); and

outputting said processed signal to the digital audio device (page 8, lines 7-9, (audio output port (USB) 34, Figs. 3, 4, 5 etc.).

**28.** A method of processing a multimedia program for playing at least an audio component of the program on an incompatible digital multimedia player, said method comprising:

receiving said multimedia program composed of composite signals including said audio program component and a video component(Figs. 1-5);

selectively extracting from said multimedia program in response to commands from a user said audio component without extracting said video signal (Page 3, lines 21, 22—*In an alternate embodiment, the separator generates a multichannel audio signal, e.g., without a video component--*; page 6, lines 11, 12, page 7, lines 19-21, Figs. 1, 3, 4, etc);

processing said audio component to generate a processed audio signal having a format compatible with the digital multimedia player (page 8, lines 1-9; audio encoder 32; Figs. 3, 4, 5 etc); and

selectively outputting said processed audio signal to the digital audio player (audio output port (USB) 34, Figs. 3, 4, 5 etc.).